

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF IOWA  
Central DIVISION

FILED  
DES MOINES, IOWA  
00 Court in Session AM/11:35

JUDGE/MAGISTRATE

Robert W. Pratt

REPORTER  
CLERK U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF IOWA

Theresa Kenkel

Plaintiff(s),

CLERK'S COURT MINUTES

CASE NUMBER

4-98-CV-90368

VS.

Defendant(s).

Attorney for Plaintiff(s)

Beth Flausburg

Attorney for Defendant(s)

Bill Dawe

On this 24 day of March, 2000, this came on  
for return of verdict

PROCEEDINGS:

Ct asks jury if they have reached  
a unanimous verdict. Response is yes.  
Ctroom deputy retrieves verdict form. Ct  
reads verdict. \$250,000 for plaintiff.  
\*Completed Verdict Form Attached

Court in  
Recess

11:40

Michael L. Smith  
Law Clerk

**Jury verdict worksheet – for all jurors**

00 MAR 24 AM 11:48

**Instructions:** Please respond to the questions below as appropriate. The jury foreperson will tally all responses to determine whether judgment should be granted in favor of Plaintiff or not.

1. As defined in Instruction nos. 15 and 16, do you find that the Defendant slandered Plaintiff?

YES ☒ NO ☐

If you answered YES, go to question no. 2;

If you answered NO, then stop here. Give this form to the foreperson and instruct that person that you are rendering judgment in favor of Defendant.

2. As defined in Instruction No. 17, do you find the Defendant's statements — including those made in connection with the audit — were true or substantially true?

YES ☐ NO ☒

If you answered YES, then stop here. Give this form to the foreperson and instruct that person that you are rendering judgment in favor of Defendant.

If you answered NO, instruct the foreperson that you are rendering judgment in favor of Plaintiff; proceed to question no. 3;

3. As explained in Instruction No. 18, how much do you award Plaintiff in damages as a result of Defendant's slanderous conduct?

- (1) \$ 50,000 General damages  
 (2) \$ 100,000 Reasonable value of any loss of reputation suffered by Smith  
 (3) \$ 60,000 Loss of time — earnings  
 (4) \$ 0 Loss of future earning capacity  
 (5) \$ 0 Loss of full mind and body — past  
 (6) \$ 0 Loss of full mind and body — future  
 (7) \$ 40,000 Physical and mental pain and suffering — past  
 (8) \$ 0 Physical and mental pain and suffering — future

Total amount awarded to Plaintiff: \$ 250,000

**Jury verdict form -- for foreperson only**

FILED  
DES MOINES, IOWA

00 MAR 24 AM 11:48

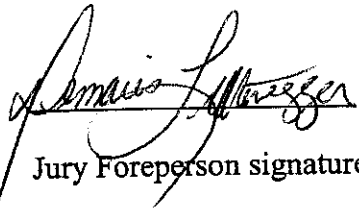
Judgement in favor of the Plaintiff must be UNANIMOUS. If all twelve (12) jurors decide in favor of Plaintiff, you will instruct the Court, at the appropriate time, that *"The Jury has reached a verdict. We, the jury, in the matter of Smith v. Des Moines Independent Community School District, find in favor of Plaintiff."*

If, however, there is a split in your decision, meaning some jurors have decided in favor of Plaintiff and some have decided in favor of Defendant, then you will report to the Court, at the appropriate time, that *"The Jury has not reached a verdict."*

If all twelve (12) jurors decide in favor of Defendant, then you will instruct the Court, at the appropriate time, that *"The Jury has reached a verdict. We, the jury, in the matter of Smith v. Des Moines Independent Community School District, find in favor of the Defendant."*

**Damages:**

If there is UNANIMOUS judgement in favor of Plaintiff, you must also report to the Court how much in total damages members of the jury have agreed to award Plaintiff. Write that amount on this line: \$250,000.

  
Jury Foreperson signature

3/24/00  
Date